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VIA FOIA ONLINE

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
hq.foia@epa.gov

Re: Freedom of Information Act Request for Records Critical to EPA's
Derivation of a Reference Concentration for Libby Amphibole Asbestos

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 et seq., as amended ("FOIA"), and the FOIA regulations promulgated by the U.S. Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2, I hereby request all communications relating in any way to the following:

Data, follow-up work, and cohort updates (together referred to as "Updated Data and Follow-up Studies") for the cohort used in Rohs AM, Lockey JE, Dunning KK, Shukla R, Fan H, Hilbert T, Borton E, Wiot J, Meyer C, Shipley RT, Lemasters GK, Kapil V. 2008. Low-level fiber-induced radiographic changes caused by Libby vermiculite: a 25-year follow-up study. *Am J Respir Crit Care Med* 177:630-637.

This request also includes any communications regarding the content, evaluation of, status of work and status of publications relating in any way to the referenced Updated Data and Follow-up Studies. To enable EPA to focus and limit the expense and time involved in this search, this request is limited to information obtained from Dr. Bob Benson at EPA Region 8.

The referenced Updated Data and Follow-up Studies are believed to encompass, without limitation: chest X-ray and HRCT results, pulmonary function testing data and other updated information and evaluations. This information remains undisclosed to the public even though it

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was intended to be used as an important foundation for a EPA determined Reference Concentration ("RfC") for Libby Amphibole Asbestos (that EPA issued in draft in 2011 and that EPA is working towards finalizing). According to EPA, the referenced Updated Data and Follow-up Studies provide "additional evidence through follow-up worker interviews and using more sensitive radiographic imaging and pulmonary function study techniques . . . [and] ***will ultimately be used by the EPA investigators to assess health effects*** in comparison to estimated worker exposure ***for development of the most accurate RfC for the Libby site.***" EPA 2009 Contract (through the Volpe Center) with the University of Cincinnati Contract, Section C, page 8. The University of Cincinnati researchers themselves have stated that the referenced information is "***instrumental in understanding the health risks associated with the Libby amphibole exposure.***" (January 31, 2012 Letter to the EPA Scientific Advisory Board from James E. Lockey, MD, MS, University of Cincinnati College of Medicine, <http://yosemite.epa.gov/sab/SABPRODUCT.NSF/PeopleSearch/7896D6DE96BECA7F85257956006D544B?OpenDocument>). The prompt release of this requested public information is essential for transparency and accuracy of the RfC development, especially where EPA is moving forward toward finalization of the RfC.


The information requested under this FOIA request was also requested previously (FOIA request no. EPA-R8-2013-007405 dated June 17, 2013, Item #2 of that request) and not yet received. This week in consultation with Lorraine Ross, Esquire (EPA), we agreed to remove this information from our prior request in order to enable EPA to quickly complete its response to the remainder of that June 17, 2013 request. We also agreed with EPA to narrow the scope of this new request to focus on a search for information from Dr. Bob Benson who has been identified by EPA as the employee most likely to have the responsive information. By our agreeing to focus the request on one person's information, we understand that we are simplifying the Agency's search for responsive information and reducing the administrative burden, costs and processing time. EPA has already had two months to prepare a response to this request (due to the prior June 17, 2013 FOIA request), so we hope that the response to this narrowed and focused request can be expedited. We understand based upon our discussions with EPA that the responsive information should be available within six weeks and hopefully less time.

I understand that pursuant to EPA's FOIA regulations, I can expect a response to this request within 20 days of your receipt of this letter. If you have any questions regarding this request or need further information, please contact me at jlham@bdlaw.com or (410) 230-1333. Alternatively, you may contact Pamela Marks at (410) 230-1315.

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Thank you for your prompt attention to this matter.

Sincerely yours,


Jayni Lanham

cc: Lorraine Ross, Esquire, EPA (via email)